

FAEGRE DRINKER BIDDLE & REATH LLP

TARIFA B. LADDON (*Pro Hac Vice*)
tarifa.laddon@faegredrinker.com
THEODORE O'REILLY (*Pro Hac Vice*)
theodore.oreilly@faegredrinker.com
11766 Wilshire Boulevard, Suite 750
Los Angeles, CA 90025
Telephone: (310) 500-2090
Facsimile: (310) 500-2091

ALVERSON TAYLOR & SANDERS

LEANN SANDERS, ESQ.
Nevada Bar No. 000390
6605 Grand Montecito Parkway, Suite. 200
Las Vegas, NV 89149
Telephone: (702) 384-7000
Facsimile: (702) 385-7000
E-File: *efile@alversontaylor.com*

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JANENE TRUJILLO,

Plaintiff,

vs.

ZIMMER, US, INC., a Delaware Corporation,
SYNVASIVE TECHNOLOGY, a California
Corporation, BIOMET ORTHOPEDICS, LLC,
an Indiana Limited Liability Company,
BIOMET, INC., an Indiana Corporation, and
DOES I-X, inclusive,

Defendants.

CASE NO.: 3:19-cv-00056

**[PROPOSED] ORDER GRANTING
JOINT MOTION TO STAY PENDING
TRANSFER TO MDL COURT**

[Filed concurrently with Joint Motion and
Declaration of T. O'Reilly]

Complaint Filed: November 16, 2018

This matter comes before the Court on the Joint Motion to Stay Pending Transfer to the MDL Court submitted by Plaintiff Janene Trujillo ("Plaintiff") and Defendants Zimmer, US, Inc., Synvative Technology, Inc., Biomet Orthopedics LLC, and Biomet, Inc. (collectively, "Zimmer/Biomet").

The parties jointly request that the Court stay this action pending a decision on the conditional transfer to the multidistrict litigation proceeding *In re Zimmer M/L Taper Hip*

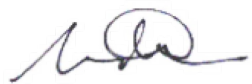
ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Prosthesis, MDL No. 2859 (SDNY Oct. 3, 2018) (the “MDL”). The Court, having considered the Joint Motion and for good cause shown, hereby orders as follows:

The Joint Motion to Stay Pending Transfer to the MDL Court is GRANTED. This action will be stayed in this Court pending the MDL Court’s final decision on this action’s transfer to the MDL.

DATED this ____ day of March, 2020.



Hon. ~~Carla Baldwin~~ Miranda M. Du
United States ~~Magistrate~~ Judge

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

FAEGRE DRINKER BIDDLE & REATH LLP

TARIFA B. LADDON (*Pro Hac Vice*)
tarifa.laddon@faegredrinker.com
THEODORE O'REILLY (*Pro Hac Vice*)
theodore.oreilly@faegredrinker.com
11766 Wilshire Boulevard, Suite 750
Los Angeles, CA 90025
Telephone: (310) 500-2090
Facsimile: (310) 500-2091

ALVERSON TAYLOR & SANDERS

LEANN SANDERS, ESQ.
Nevada Bar No. 000390
6605 Grand Montecito Parkway, Suite. 200
Las Vegas, NV 89149
Telephone: (702) 384-7000
Facsimile: (702) 385-7000
E-File: *efile@alversontaylor.com*

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JANENE TRUJILLO,

Plaintiff,

vs.

ZIMMER, US, INC., a Delaware
Corporation,
SYNVASIVE TECHNOLOGY, a
California Corporation, BIOMET
ORTHOPEDICS, LLC, an Indiana
Limited Liability Company, BIOMET,
INC., an Indiana Corporation, and
DOES I-X, inclusive,

Defendants.

CASE NO.: 3:19-cv-00056

**DECLARATION OF THEODORE
O'REILLY IN SUPPORT OF
JOINT MOTION TO STAY
PROCEEDINGS PENDING
TRANSFER TO MDL COURT**

[Filed concurrently with Joint Motion
to Stay and [Proposed] Order]

Complaint Filed: November 16, 2018

DECLARATION OF THEODORE O'REILLY

1. I am an active member of the Bar of the State of California and an associate with Faegre Drinker Biddle & Reath LLP, attorneys of record for Defendants Defendants Zimmer, US, Inc., Synvasive Technology, Inc., Biomet Orthopedics LLC, and Biomet, Inc. I make this declaration in support of the Parties' Joint Motion to Stay Proceedings Pending Transfer to MDL Court. I

1 make this declaration based upon personal knowledge and, if called upon to do
2 so, I could and would so testify.

3 2. Attached as Exhibit 1 is a true and correct copy of the Conditional
4 Transfer Order applicable to this action, issued in the multidistrict litigation
5 proceeding *In re Zimmer M/L Taper Hip Prosthesis*, MDL No. 2859 (SDNY Oct.
6 3, 2018) (the “MDL”).

7 I declare under the penalty of perjury and the laws of the United States and
8 the State of California that the foregoing is true and correct.

9 Executed this 19th day of March 2020, at Los Angeles, California.

10
11
12 */s/ Theodore O'Reilly*

13 Theodore O'Reilly (*Pro Hac Vice*)
14 **FAEGRE DRINKER BIDDLE**
15 **& REATH LLP**

16 Attorney for Defendants
17 Zimmer, US, Inc., Synvasive Technology,
18 Inc., Biomet Orthopedics LLC, and
19 Biomet, Inc.
20
21
22
23
24
25
26
27
28

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

EXHIBIT “1”

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ZIMMER M/L TAPER HIP PROSTHESIS
OR M/L TAPER HIP PROSTHESIS WITH
KINECTIV TECHNOLOGY AND VERSYS
FEMORAL HEAD PRODUCTS LIABILITY
LITIGATION**

MDL No. 2859

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -19)

On October 3, 2018, the Panel transferred 19 civil action(s) to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 340 F.Supp.3d 1379 (J.P.M.L. 2018). Since that time, 44 additional action(s) have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Paul A. Crotty.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Crotty.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of October 3, 2018, and, with the consent of that court, assigned to the Honorable Paul A. Crotty.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

**IN RE: ZIMMER M/L TAPER HIP PROSTHESIS
OR M/L TAPER HIP PROSTHESIS WITH
KINECTIV TECHNOLOGY AND VERSYS
FEMORAL HEAD PRODUCTS LIABILITY
LITIGATION**

MDL No. 2859

SCHEDULE CTO-19 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
NEVADA			
NV	3	19-00056	Trujillo v. Zimmer US, Inc. et al